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Mailed: AUG 27 2003

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Paper Number: 24

In re application of  
Miroslav Chmelir et al.

Serial No. 09/554,090

Filed: June 14, 2000

For: METHOD FOR PRODUCING WATER-SOLUBLE OR WATER-  
SWELLABLE POLYMERIZATES WITH A VERY LOW  
RESIDUAL MONOMER CONTENT, PRODUCTS PRODUCED  
ACCORDING TO THIS METHOD AND THE USE THEREOF

:  
:  
: DECISION ON  
: PETITION

This is a response to the "PETITION TO WITHDRAWAL OF HOLDING OF ABANDONMENT", filed June 9, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 13, 2003, for failure to timely file a proper response to the Decision by the Board of Patent Appeals and Interferences rendered on April 23, 2003 be withdrawn. The petitioner asserts that the abandonment was prematurely issued and applicants had filed a Request for Continuous Examination (RCE) on June 23, 2003.

### DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee). A review of the instant application file indicates that the Notice Of Abandonment of May 13, 2003 was prematurely prepared by the Examiner and mailed, when in fact the applicants had until June 23, 2003 to seek Court review of the Decision. Therefore, when the Notice of Abandonment of May 13, 2003 was mailed the instant application was not in fact abandoned. A review of the USPTO application file indicates that a Request for Continuous Examination (RCE) accompanied with a preliminary amendment under 37 CFR 1.114(a)(3) was filed on June 23, 2003.

Therefore, the abandonment is hereby withdrawn, and the application is returned to

pending status. The case will be forwarded to the Technical Support Staff for entering the RCE and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.



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